



#3

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ORGANIC, OPEN CELL FOAM MATERIALS, THEIR CARBONIZED DERIVATIVES, AND METHODS FOR PRODUCING SAME

the specification of which

[ ] is attached hereto

[X] was filed on October 4, 2001  
as Application Serial No. 09/972,163  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also



identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority Claimed	
			<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

<u>60/195,165</u>	<u>April 6, 2000</u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/809,793</u>	<u>March 16, 2001</u>	<u>pending</u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

<u>Richard M. Barnes (Reg. No. 27,277)</u>
<u>Marta E. Gross (Reg. No. 33,504)</u>
<u>Pablo D. Hendler (Reg. No. 40,015)</u>
<u>Nina R. Horan (Reg. No. 47,662)</u>

Send correspondence to: Marta E. Gross  
FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1104



Direct telephone calls to:

Marta E. Gross  
(212) 596-9000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Donald F. Albert

Inventor's signature

Donald F. Albert 11-27-01  
Date

Residence 68 Morris Hubbard Rd., Higganum, CT 06441

Citizenship United States of America

Post Office Address (same)

Full name of second joint inventor Greg R. Andrews

Inventor's signature

Greg R. Andrews 11-27-01  
Date

Residence 70 Home Avenue, 2<sup>nd</sup> Floor, Middletown, CT 06457

Citizenship United States of America

Post Office Address (same)

Full name of third joint inventor Joseph W. Bruno

Inventor's signature

Joseph W. Bruno 11-27-01  
Date

Residence 4 Staba Drive, Higganum, CT 06441

Citizenship United States of America

Post Office Address (same)